

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 94-643-T - ORDER NO. 94-1090✓  
OCTOBER 18, 1994

IN RE: Application of Jerry R. Coleman, Owner of ) ORDER  
the Capital Common Stock of Commercial ) WAIVING  
Courier Express, Inc., 204 Base Leg Road, ) REGULATION  
Greensboro, NC 27419, to Sell Stock to ) AND  
Courier Dispatch Group, Inc., Bldg. 22, ) APPROVING  
Suite 140, 1080 Holcomb Bridge Road, ) SALE OF  
Roswell, GA 30075. ) STOCK

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the Application of Jerry R. Coleman (the Applicant), whereby the Applicant seeks approval of the sale of the capital common stock of Commercial Courier Express, Inc. to Courier Dispatch Group, Inc. Commercial Courier Express, Inc. is the holder of Class E Certificate of Public Convenience and Necessity No. 5066. (Certificate No. 5066 is dated October 23, 1987, and was issued in Docket No. 87-220-T by Order No. 87-880.)

Staff requests the Commission to waive its regulation concerning publication of the Notice of Filing and to consider the Application as filed. Staff's request is based on the effect of the Federal Aviation Administrative Authorization Act of 1994 (the Act) which was signed by the President on August 23, 1994. Effective January 1, 1995, the Act preempts states from regulating the price, route, or service of motor carriers transporting property. As of January 1, 1995, a motor carrier, such the motor carriers involved in the instant transaction, will only need to

file evidence of financial responsibility relating to insurance requirements and an appropriate safety rating with state regulatory authorities. As the Commission will be preempted from regulating the entry of motor carriers, Staff requests a waiver of the Commission regulation regarding publication of a Notice of Filing. The Commission has considered Staff's request for waiver of the publication requirement and for immediate consideration of the Application and concludes, and so finds, that Staff's request should be granted. The Commission believes that Publication of a Notice of Filing would be useless and impractical as the Commission's authority concerning entry will be preempted as of January 1, 1995. Therefore, the Commission will waive the publication requirement and consider the Application as filed.

Upon consideration of the merits of the Application, the representations contained therein, and the documentary evidence attached thereto, the Commission finds that the sale of stock of Commercial Courier Express, Inc. owned by Jerry R. Coleman to Courier Dispatch Group, Inc. will not adversely affect the service to the public previously authorized by the Commission.

The Commission also finds and concludes that the proposed sale of all capital common stock of Commercial Courier Express, Inc. owned by Jerry R. Coleman to Courier Dispatch Group, Inc. is in the public interest and that the relief sought should be granted, in accordance with the terms and conditions of the stock purchase agreement filed with the Application in the instant Docket.

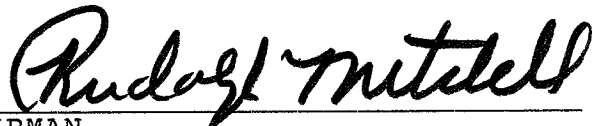
IT IS THEREFORE ORDERED:

1. That the Application for approval of the proposed sale of all capital common stock of Commercial Courier Express, Inc. owned by Jerry R. Coleman to Courier Dispatch Group, Inc. be, and hereby is, approved.

2. That Jerry R. Coleman notify the Commission upon consummation of the sale of all capital common stock to Courier Dispatch Group, Inc.

3. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
CHAIRMAN

ATTEST:

  
Executive Director

(SEAL)